

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 130

# **SENATE BILL 1253**

AN ACT

AMENDING SECTION 13-1105, ARIZONA REVISED STATUTES; RELATING TO HOMICIDE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1105, Arizona Revised Statutes, is amended to  
3 read:

4 13-1105. First degree murder; classification

5 A. A person commits first degree murder if:

6 1. Intending or knowing that the person's conduct will cause death,  
7 the person causes the death of another person, including an unborn child,  
8 with premeditation or, as a result of causing the death of another person  
9 with premeditation, causes the death of an unborn child.

10 2. Acting either alone or with one or more other persons the person  
11 commits or attempts to commit sexual conduct with a minor under section  
12 13-1405, sexual assault under section 13-1406, molestation of a child under  
13 section 13-1410, terrorism under section 13-2308.01, marijuana offenses under  
14 section 13-3405, subsection A, paragraph 4, dangerous drug offenses under  
15 section 13-3407, subsection A, paragraphs 4 and 7, narcotics offenses under  
16 section 13-3408, subsection A, paragraph 7 that equal or exceed the statutory  
17 threshold amount for each offense or combination of offenses, involving or  
18 using minors in drug offenses under section 13-3409, DRIVE BY SHOOTING UNDER  
19 SECTION 13-1209, kidnapping under section 13-1304, burglary under section  
20 13-1506, 13-1507 or 13-1508, arson under section 13-1703 or 13-1704, robbery  
21 under section 13-1902, 13-1903 or 13-1904, escape under section 13-2503 or  
22 13-2504, child abuse under section 13-3623, subsection A, paragraph 1 or  
23 unlawful flight from a pursuing law enforcement vehicle under section  
24 28-622.01 and, in the course of and in furtherance of the offense or  
25 immediate flight from the offense, the person or another person causes the  
26 death of any person.

27 3. Intending or knowing that the person's conduct will cause death to  
28 a law enforcement officer, the person causes the death of a law enforcement  
29 officer who is in the line of duty.

30 B. Homicide, as prescribed in subsection A, paragraph 2 of this  
31 section, requires no specific mental state other than what is required for  
32 the commission of any of the enumerated felonies.

33 C. An offense under subsection A, paragraph 1 of this section applies  
34 to an unborn child in the womb at any stage of its development. A person  
35 shall not be prosecuted under subsection A, paragraph 1 of this section if  
36 any of the following applies:

37 1. The person was performing an abortion for which the consent of the  
38 pregnant woman, or a person authorized by law to act on the pregnant woman's  
39 behalf, has been obtained or for which the consent was implied or authorized  
40 by law.

41 2. The person was performing medical treatment on the pregnant woman  
42 or the pregnant woman's unborn child.

43 3. The person was the unborn child's mother.

44 D. First degree murder is a class 1 felony and is punishable by death  
45 or life imprisonment as provided by sections 13-751 and 13-752.

APPROVED BY THE GOVERNOR JULY 13, 2009.

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FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.